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Friday, January 25, 2002 10:32 AM

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January 25, 2002

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Ms. Renata Hesse  
Trial Attorney  
Antitrust Division  
Department of Justice  
601 D Street NW, Suite 1200  
Washington, DC 20530

Dear Ms. Hesse:

The United States Department of Justice has wisely approved the proposed consent decree that would end the federal government's three-year antitrust case against Microsoft. The North Carolina Department of Justice has done the same. I believe it is now time for the federal courts to accept the settlement and put an end to this unwise and unnecessary litigation.

Yes, Microsoft has been a tough competitor. But the purpose of antitrust law is to protect the consumer, not to protect the market share of competitors. I have never seen proof set forth that Microsoft's business practices hurt consumers. Software has become more available, easier to use and less expensive. Millions of people have been able to use computers for the first time. Where is the consumer harm?

Yet, in the interests of settling this case and ending the litigation, Microsoft has now agreed to accept unprecedented curbs on how it does business. It must provide more information to competitors and computer manufacturers. It must change the way it develops, licenses and markets its software. It must accept the oversight of a technical committee.

These are remarkable concessions. They were developed in tough negotiations led by a court-appointed mediator. They offer something for both sides. More important, they offer Microsoft, this industry and the technology-dependent economy the opportunity to end the costly and time-consuming litigation.

I sincerely hope the federal court will approve this settlement. It is time to put an end to this ill-advised case.

Sincerely,

Sam Ellis



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